



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

January 7, 2015

Kenneth S. Fleck, Manager of Geology and Environmental Affairs
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Subject: Five-Year Permit Renewal, Trail Mountain Mine, PacifiCorp, C/015/0009, Task ID #4699

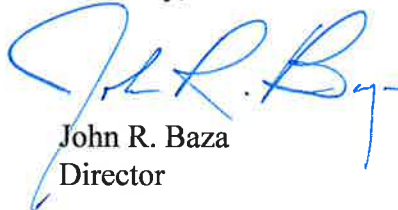
Dear Mr. Fleck:

The permit renewal for the Trail Mountain Mine is approved. Enclosed are two (2) copies of the renewed permanent program mining and reclamation permit for the Trail Mountain Mine.

Please read the permit to be sure you understand the requirements, then have both copies signed by the appropriate PacifiCorp representative and return one to the Division.

If you have any questions, please call Daron Haddock at (801) 538-5325 or myself at (801) 538-5334.

Sincerely,



John R. Baza
Director

JRB/DRH/sqs

Enclosure

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UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT
For
PERMIT RENEWAL

PacifiCorp
Trail Mountain Mine
C/015/0009
Emery County, Utah

January 5, 2015

CONTENTS

- * Administrative Overview
- * Permitting Chronology
- * Findings
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ADMINISTRATIVE OVERVIEW

PacifiCorp
Trail Mountain Mine
Permit Renewal
C/015/0009
Emery County, Utah

January 5, 2015

BACKGROUND

The Trail Mountain Mine is located approximately 12 miles west of Orangeville, Utah in the Wasatch Plateau Coal Field. The permit area currently encompasses 3,539 acres comprised of federal coal leases and privately owned holdings. The surface disturbance is about 10.39 acres.

A permanent program permit was issued to Trail Mountain Coal Company for the Trail Mountain Mine on February 19, 1985. An enlargement of the mine (known as Tract II) was approved on April 30, 1987. A permit transfer from Arch Minerals (Trail Mountain Coal Company) to Beaver Creek Coal Company was approved on November 23, 1987. The permit was renewed on February 20, 1990. A permit transfer from Beaver Creek Coal Company to PacifiCorp was approved on November 13, 1992.

The permit was subsequently renewed on February 21, 1995, February 21, 2000, February 21, 2005 and February 21, 2010. The mine has been in temporary cessation since May 2, 2001.

PERMIT RENEWAL

PacifiCorp made application to the Division of Oil Gas and Mining for a five-year permit renewal for the Trail Mountain Mine on October 8, 2014. This renewal encompasses the same permit area and disturbance as currently approved in the permit.

The application for permit renewal was submitted at least 120 days prior to permit renewal. The renewal application was determined administratively complete on October 14, 2014. Public notice for this permit renewal was published in the Emery County Progress on November 11, 18, 25 and December 2, 2014.

ANALYSIS

The permittee has provided evidence of an adequate performance bond and liability insurance. The site continues to be maintained in compliance with the performance standards. Requisite information for the permit renewal application was made and all notices were published as required. No comments were received.

RECOMMENDATION

Approval for this permit renewal is recommended.

PERMITTING CHRONOLOGY

PacifiCorp
Trail Mountain Mine
Permit Renewal
C/015/0009
Emery County, Utah

January 5, 2015

October 8, 2014	PacifiCorp submitted a permit renewal application.
October 14, 2014	Determination of Administrative Completeness of permit renewal application.
October 20, 2014	Permit renewal completeness determination sent to applicable state, federal, and county agencies.
November 11, 18, 25 & December 2, 2014	Public notice for permit renewal for the Trail Mountain Mine published in the <u>Emery County Progress</u> .
January 2, 2015	Comment period ends. No comments received.
January 5, 2015	AVS recommendation with no violations in the system.
January 5, 2015	Trail Mountain Mine permit is renewed effective February 21, 2015.

PERMIT RENEWAL FINDINGS

PacifiCorp
Trail Mountain Mine
Permit Renewal
C/015/0009
Emery County, Utah

January 5, 2015

1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The operator has provided evidence of maintaining liability insurance in full effect (Associated Electric and Gas Insurances Services Limited, Policy XL5194003P) (R645-303-233.140).
6. The operator has a reclamation surety on file with the Division and has provided evidence that the surety will remain in full effect. (Travelers Casualty and Surety Company of America, Bond Number 1039089971 in the amount of \$822,000) (R645-303-233.150).
7. To date, the operator has submitted all updated information as required by the Division through this permit term. (R645-233.160).


Permit Supervisor


Associate Director of Mining


Director

FEDERAL

**PERMIT
C/015/0009**

February 21, 2015

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
(801) 538-5340**

This permit, C/015/0009, is issued for the State of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**PacifiCorp
1407 West N. Temple, Suite 310
Salt Lake City, Utah 84116
(801) 220 - 2000**

for the Trail Mountain Mine. PacifiCorp is the lessee of federal coal leases U-49332, U-082996, and UTU-64375, and the owner/lessee of certain fee-owned parcels. A Surety Bond is filed with the Division in the amount of \$822,000, payable to the State of Utah, Division of Oil, Gas and Mining, and the Office of Surface Mining, Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct coal mining and reclamation operations on the following described lands within the permit area at the Trail Mountain Mine, situated in the State of Utah, Emery County, and located:

Township 17 South, Range 6 East, SLM

- Section 25: S1/2 NW1/4, W1/2 SW1/4, W1/2 E1/2 SW1/4, SW1/4 SE1/4, E1/2 E1/2 SW1/4; Begin at the point of SW corner of NW1/4 SE1/4, thence North 160 Rods, thence East 44 Rods to center of Cottonwood Creek, Southward along creek to a point 76 Rods east of the beginning, thence West 76 Rods to the Point of Beginning.
- Section 26: SE1/4 NE1/4, E1/2 SW1/4 NE1/4, E1/2 SE1/4, E1/2 W1/2 SE1/4, S1/2 SW1/4, W1/2 SW1/4 SE1/4;
- Section 27: S1/2 S1/2;
- Section 34: All; and
- Section 35: All.

Township 18 South, Range 6 East, SLM

- Section 1: Lots 1-8, S1/2 N1/2, E1/2 NE1/4 SW1/4, E1/2 NW1/4 NE1/4 SW1/4, N1/2 NW1/4 NE1/4 SE1/4, N1/2 NW1/4 SE1/4;
- Section 2: Lots 1-8, S1/2 N1/2, N1/2 NE1/4 SW1/4, N1/2 SW1/4 NE1/4 SW1/4, SE1/4 NE1/4 SW1/4, NW1/4 NE1/4 SE1/4, N1/2 SW1/4 NE1/4 SE1/4, N1/2 NW1/4 SE1/4, N1/2 S1/2 NW1/4 SE1/4; and
- Section 3: Lots 1, 2, 3, 6 (E1/2), 7, and 8, and NW1/4 SE1/4 NE1/4, NE1/4 SW1/4 NE1/4, S1/2 SE1/4 NE1/4, NE1/4 SE1/4 NE1/4.

Township 18 South, Range 7 East, SLM

- Section 6: Lots 4-7, W1/2 SE1/4 NW1/4, W1/2 E1/2 SW1/4.

This legal description is for the permit area of the Trail Mountain Mine, which is approximately 3,538.98 acres. The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

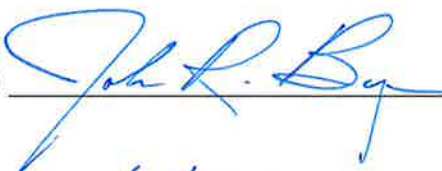
- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on February 21, 2020.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
 - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
 - (b) immediate implementation of measures necessary to comply; and
 - (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
 - (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by The Division within the time frame specified by The Division.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permit, as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: 
Date: 1/7/2015

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A

SPECIAL CONDITION

1. PacifiCorp will submit water quality data for the Trail Mountain Mine in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>.
2. If during entry development, sustained quantities of groundwater are encountered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must monitor these flows for quality and quantity under the approved monitoring plan. If significant quantities of groundwater which issues from a fault zone are encountered, PacifiCorp will: quantify the volume, sample for water quality according to the approved monitoring plan (baseline parameters for the two year period), conduct isotopic sampling using a systematic approach (phase 1: tritium analysis, phase 2: depending on the results of the tritium sampling, perform carbon age dating). Parameters analyzed are those listed in the "DOGM Guidelines for Groundwater Quality."

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State of Utah and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website; the first publication was on the 11th day of November, 2014, and that the last publication of such notice was in the issue of such newspaper dated the 2nd day of December, 2014.



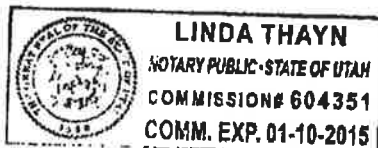
Richard Shaw - Publisher

Subscribed and sworn to before me this
2nd day of December 2014.



Notary Public My commission expires
January 10, 2015 Residing at Price, Utah

Publication fee, \$ 288.00



PACIFICORP
TRAIL MOUNTAIN MINE
0/015/000

PERMIT RENEWAL APPLICATION

Energy West Mining Company
PO Box 314
Huntington, Utah 84528

PacificCorp, by and through its wholly-owned subsidiary, Energy West Mining Company (Energy West) as mine operator, hereby submits an application for a permit renewal of the Trail Mountain Mine for purposes of conducting mining and reclamation activities. Currently, the Trail Mountain Mine is in temporary reclamation and has been in this condition since May, 2009. There are no plans to change the status in the near future. The mine site encompasses all or portions of Section 25, 26, 27, 34, and 35 of T2S, R6E, S12M; Section 1, 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 of T2S, R7E, S12M. The parcel area is approximately 3,520 acres with a disturbed acreage equaling 10,500 acres.

A surety bond in the amount of \$222,000 is filed with the Division of Oil, Gas and Mining and is payable to the State of Utah, Division of Oil, Gas and Mining (DOGMA) and the Office of Surface Mining Reclamation and Enforcement (OSM).

A copy of the permit renewal application may be obtained at the office of the Division of Oil, Gas and Mining, 1000 West North Temple, Suite 210, Salt Lake City, Utah 84119-2001, and also at the regional office located in the Emery County Courthouse at 1000 Main Street, Suite 200. Comments, objections, or requests for an informal conference may be submitted to the Division of Oil, Gas and Mining address above. Such comments must be submitted thirty (30) days from the date of the last publication of this notice. This notice is being published in conformity with the Surface Mining Control and Reclamation Act of 1977, and State and Federal regulations promulgated pursuant to said Act.

Published in the Emery County Progress November 11, 18, 25 and
December 2, 2014



GARY R. HERBERT
Governor

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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

January 5, 2015

To: Internal File

From: Daron R. Haddock, Coal Program Manager 

Subject: 510 (c) Recommendation for PacifiCorp, Trail Mountain Mine, C/015/0009 Task ID #4699

As of writing of this memo, there are no NOV's or CO's which are not corrected or in the process of being corrected for the Trail Mountain Mine. There are no finalized civil penalties, which are outstanding and overdue in the name of PacifiCorp. PacifiCorp does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is a recommendation from the OSM Applicant Violator System for the Trail Mountain Mine that states there are no outstanding violations.

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U.S. Department of the Interior Office of Surface Mining
Applicant/Violator System

Guest (KY) | Logout

[Click for the Office of Surface Mining Website](#)[Home](#) ▶ [ENTITY](#) ▶ [APPLICATION](#) ▶ [PERMIT](#) ▶ [VIOLATION](#) ▶ [REPORTS](#) ▶[HOME](#) > ENTITY EVALUATE**Evaluation on Application Number: C0150009 SEQ:5****0 Violations**[Print Report](#)**Application Evaluation**

Application Number	C0150009 SEQ:5
Applicant Name	108521 Pacificorp
Date of Request	1/5/2015 8:48:07 AM
Requestor	Guest

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 41

158506 Berkshire Hathaway Inc - ()
---104006 Walter Scott Jr - (Director)
---154396 Thomas S Murphy - (Director)
---158507 Warren E Buffett - (Chairman of the Board)
---158507 Warren E Buffett - (Chief Executive Officer)
---158508 Charles T Munger - (Chairman of the Board)
---158509 Marc D Hamburg - (Corporate Officer)
---158509 Marc D Hamburg - (Vice President)
---158510 Daniel J Jaksich - (Corporate Officer)
---158510 Daniel J Jaksich - (Vice President)
---158511 Howard G Buffett - (Director)
---158513 William H Gates Iii - (Director)
---158514 David S Gottesman - (Director)
---158515 Charlotte Guyman - (Director)
---158516 Donald R Keough - (Director)
---158517 Ronald L Olson - (Director)

---248432 Susan Decker - (Director)
---251467 Stephen B Burke - (Director)
---255229 Berkshire Hathaway Energy Company - (Subsidiary Company)
-----104006 Walter Scott Jr - (Director)
-----129287 Paul J Leighton - (General Counsel)
-----129287 Paul J Leighton - (Secretary)
-----129287 Paul J Leighton - (Vice President)
-----158507 Warren E Buffett - (Director)
-----158509 Marc D Hamburg - (Director)
-----158519 Gregory E Abel - (Chairman of the Board)
-----158519 Gregory E Abel - (Chief Executive Officer)
-----158519 Gregory E Abel - (Director)
-----158519 Gregory E Abel - (President)
-----158521 Douglas L Anderson - (Executive Vice President)
-----158521 Douglas L Anderson - (General Counsel)
-----158521 Douglas L Anderson - (Secretary)
-----158522 Patrick J Goodman - (Chief Financial Officer)
-----158522 Patrick J Goodman - (Executive Vice President)
-----158525 Brent E Gale - (Senior Vice President)
-----158528 Maureen E Sammon - (Corporate Officer)
-----158528 Maureen E Sammon - (Senior Vice President)
-----158529 Steven R Evans - (Senior Vice President)
-----158532 Jonathan W Weisgall - (Vice President)
-----158534 Cathy S Woollums - (Corporate Officer)
-----158534 Cathy S Woollums - (Senior Vice President)
-----158541 Ppw Holdings Llc - (Subsidiary Company)
-----108521 Pacificorp - (Subsidiary Company)
-----124840 Bruce N Williams - (Treasurer)
-----124840 Bruce N Williams - (Vice President)
-----146327 Michael G Jenkins - (Assistant Secretary)
-----147401 A Richard Walje - (Chief Executive Officer)
-----147401 A Richard Walje - (Director)
-----147401 A Richard Walje - (President)
-----151620 Tanya S Sacks - (Assistant Treasurer)
-----152797 Jeffery B Erb - (Assistant Secretary)
-----158519 Gregory E Abel - (Chairman of the Board)
-----158519 Gregory E Abel - (Chief Executive Officer)
-----158519 Gregory E Abel - (Director)
-----158521 Douglas L Anderson - (Director)
-----158522 Patrick J Goodman - (Director)
-----158525 Brent E Gale - (Director)
-----247556 R Patrick Reiten - (Chief Executive Officer)
-----247556 R Patrick Reiten - (Director)
-----247556 R Patrick Reiten - (President)
-----247558 Natalie L Hocken - (Director)
-----248434 Douglas K Stuver - (Chief Financial Officer)
-----248434 Douglas K Stuver - (Senior Vice President)
-----251461 Micheal G Dunn - (Chief Executive Officer)
-----251461 Micheal G Dunn - (Director)

-----251461 Micheal G Dunn - (President)
-----251466 Stefan A Bird - (Vice President)
-----129287 Paul J Leighton - (Secretary)
-----129287 Paul J Leighton - (Vice President)
-----158519 Gregory E Abel - (President)
-----158521 Douglas L Anderson - (Manager)
-----158522 Patrick J Goodman - (Manager)
-----158529 Steven R Evans - (Vice President)
-----158537 James C Galt - (Assistant Treasurer)
-----251468 Calvin Haack - (Treasurer)
-----251468 Calvin Haack - (Vice President)
-----254720 Jack Stark - (Manager)
-----251468 Calvin Haack - (Treasurer)
-----251468 Calvin Haack - (Vice President)
-----255719 Jeff Austin - (Corporate Officer)
-----255719 Jeff Austin - (Vice President)

Narrative